

DRAFT

MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of Proposed State Action:** The proposed action by Fish, Wildlife & Parks (FWP) proposes to participate as a partner with the West Yellowstone Chamber of Commerce and the U.S. Forest Service in the construction of a bridge across Cougar Creek to accommodate snowmobile, pedestrian, equestrian, bicycle and cross-country ski users as well as trail grooming equipment. By agreement, FWP will assume ownership of the bridge when completed.

2. **Agency Authority for the Proposed Action** State of Montana statutes that relate to Montana Fish, Wildlife & Parks (FWP): Recreation: 23-2-101, and Part 6 statutes relating to snowmobiling: 23-2-106 to 23-2-656; Environmental Policy Act: 75-1-101 to 75-1-1112. Authority is also derived from the Challenge Cost Share Agreement between Montana Department of Transportation (MDOT), FWP, West Yellowstone Chamber of Commerce, and USDA-Forest Service, Gallatin National Forest.

3. **Name of Project:** Cougar Creek snowmobile and recreational bridge.

4. **Name, Address, and Phone Number of Project Co-Sponsor(s) (if other than the agency)**

West Yellowstone Chamber of Commerce
P.O. Box 458
West Yellowstone, MT 59758
646-7701

Gallatin National Forest
Hebgen Lake Ranger District
P.O. Box 520, US Hwy 191 North
West Yellowstone, MT 59758
646-7369

5. **If Applicable:**

Estimated Construction/Commencement Date: August or September of 1998.

Estimated Completion Date: Fall of 1998.

Current Status of Project Design (% complete): 60%

6. **Location Affected by Proposed Action (county, range and township)**

Gallatin County, R45E, T12S, Section 22 See Page Three - Figure #1

7. **Project Size: Estimate the number of acres that would be directly affected that are currently:**

(a) Developed:	(d) Floodplain	__ acres
residential		__ acres
industrial	(e) Productive:	
	irrigated cropland	__ acres
(b) Open Space/Woodlands/	dry cropland	__ acres
Recreation	forestry	__ acres
	rangeland	__ acres
(c) Wetlands/Riparian	other	__ acres
Areas		<u>1-2</u> acres

8. **Map/site plan:** attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

See Page Three - Figure #1

9. **Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.**

Montana Fish, Wildlife & Parks (FWP) proposes to participate as a partner in the construction of a bridge across Cougar Creek to accommodate existing snowmobile, pedestrian/equestrian, and bicycle users. Other than snowmobiles, no other motorized use of the bridge will be permitted. The bridge is to be located at milepost 7.8 on U.S. Highway 191/287 north of West Yellowstone and immediately adjacent to and upstream (east) of the existing highway crossing at Cougar Creek.

The purpose of the proposed action is to eliminate the unsafe condition of snowmobiles using Highway 191/287 to cross Cougar Creek. The existing situation is unsafe because the highway crossing at Cougar Creek was not designed to accommodate cars, large trucks, and snowmobiles at the same time. This situation has existed for the past 25 years. Increases in number of passenger vehicles, large tractor-trailer transports and snowmobiles have increased the exposure to serious accidents in the past 10 years.

The bridge will be constructed on Gallatin National Forest (GNF) administered lands but within the limits of an existing easement issued to Montana Department of Transportation (MDOT). The snowmobile bridge would run parallel to and be constructed within 100 feet of the existing highway bridge. The newly constructed snowmobile bridge would be approximately 18 feet in width and 50 feet in length with additional approaches approximately 35 to 150 feet in length on each side. Construction would include filling approaches with soil to create ramps, removal of willows and vegetation for a width of 24 feet along the approaches (the west side of approaches would be along the highway; this area is generally void of shrub/willows), and the construction of the bridge and abutments. Construction would occur for approximately 3 to 4 weeks. Construction is expected to begin in the summer of 1998 and be completed in either the fall of 1998 or early summer of 1999. The GNF will provide the survey and design of the bridge and will purchase the bridge stringers and decking.

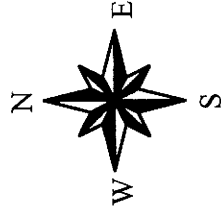
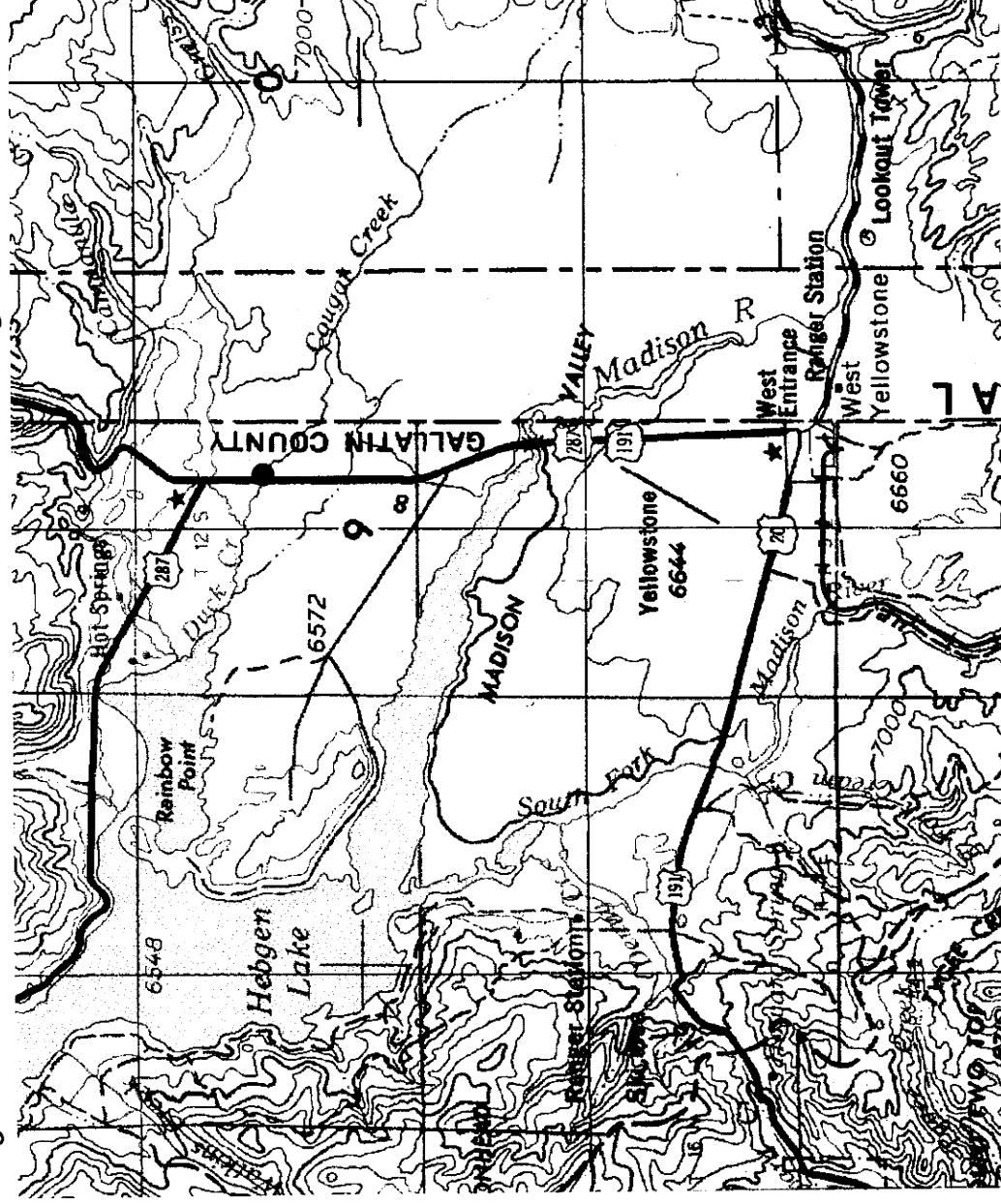
Costs associated with construction of approaches, abutments, a handrail, and installation of the bridge, will be shared between the West Yellowstone Chamber of Commerce (WYCoC) and grant funding administered by FWP. FWP has agreed to pursue a formal agreement with the MDOT and the GNF for the ownership and management of the bridge. All costs to inspect, maintain and repair the bridge will be the responsibility of FWP's snowmobile program and dedicated snowmobile funding sources.

The snowmobile bridge would allow snowmobilers to travel the existing snowmobile trail from the town of West Yellowstone to the Big Sky trail without passing over the highway bridge which has been traditionally used to cross over Cougar Creek. The estimated nine miles of trail from town to the Big Sky trail is groomed during the winter. The snowmobile trail that exists between Cougar Creek and the Big Sky trail is not displayed as a snowmobile trail on the *Gallatin National Forest West Half* (USDA, 1996) map or the *Winter Guide To Yellowstone Country* map (West Yellowstone Chamber of Commerce, no date) since it lies within the highway easement. The Big Sky trail is an estimated 33 mile trail that travels from Grayling Creek to the Taylor Fork. Approximately 20 miles of this route is groomed trail. Both of these trails have been designated for snowmobile use and groomed for the past 20 years.

Cougar Creek Snowmobile Bridge

Vicinity Map

Figure One



North View



South View



North View

- Cougar Creek Proposed Snowmobile Bridge Location

10. Listing of any other Local, State or Federal agency that has overlapping or additional jurisdiction.

(a) Permits:

<u>Agency Name</u>	<u>Permit</u>	<u>Date Filed/#</u>
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U.S. Forest Service
Gallatin National Forest - Land Owner;
and Highway Easement Grantor - December 17, 1985

Montana Fish, Wildlife & Parks - 124 permit - Pending
Expected completion date for permit inspection -7/15/98

Montana Department of Transportation - Highway Easement Grantee - December 17, 1985

(b) Funding:

<u>Agency Name</u>	<u>Funding Amount</u>
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Montana Fish, Wildlife & Parks \$22,000
Federal Recreation Trails Program grant awarded to the West Yellowstone Chamber of Commerce.

U.S. Forest Service
Gallatin National Forest \$70,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

<u>Agency Name</u>	<u>Type of Responsibility</u>
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11. List of Agencies Consulted During Preparation of the EA:

Montana Fish, Wildlife & Parks:

Directors Office
Legal Unit
State Trails Coordinator
State Parks Division
Region Three Wildlife Division
Region Three Fisheries Division

U.S. Forest Service:

Gallatin National Forest
Hebgen Lake Ranger District
Engineering Unit

State Historical Preservation Office:

Cultural Resource Inventory Report- See Attached

PART II. ENVIRONMENTAL REVIEW

1. Evaluation of the Impacts of the Proposed Action Including Secondary and Cumulative Impacts on the Physical and Human Environment:

PHYSICAL ENVIRONMENT

1. <u>LAND RESOURCES</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
► a. Soil instability or changes in geologic substructure?		X				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		X				
► c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X			See Comment 1d. Below
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				
f. Other <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

- 1d.: Design and construction of the Cougar Creek recreation bridge will accommodate the dispersement of high water. Placement of rip along the contours of the stream bank will deter erosion of the banks and avoid narrowing the channel any further than what is currently occurring.

- ✱ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ◆◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

2. <u>AIR</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
► a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		X				
b. Creation of objectionable odors?		X				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. ♦ For P-R/D-J projects, will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)		X				
f. Other <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

3. <u>WATER</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
► a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		X				
b. Changes in drainage patterns or the rate and amount of surface runoff?		X				
c. Alteration of the course or magnitude of flood water or other flows?			X			See Comment 3c. Below
d. Changes in the amount of surface water in any water body or creation of a new water body?		X				
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?		X				
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. ♦♦For P-R/D-J, will the project affect a designated floodplain? (Also see 3c)		X				
m. ♦For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)		X				
n. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

3c.: The bridge design will avoid constricting the flood plain channel. Design will allow dispersement during high water periods.

☆ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

► Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

4. <u>VEGETATION</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?		X				
b. Alteration of a plant community?			X			See Comment 4b. Below
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				
d. Reduction in acreage or productivity of any agricultural land?		X				
e. Establishment or spread of noxious weeds?		X				
f. ♦♦For P-R/D-I, will the project affect wetlands, or prime and unique farmland?		X				
g. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Vegetation Resources (Attach additional pages of narrative if needed):

4b.: Minor willow cutting will take place during the bridge construction phase, but will naturally re-establish.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

► 5. <u>FISH/WILDLIFE</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
a. Deterioration of critical fish or wildlife habitat?		X				
b. Changes in the diversity or abundance of game animals or bird species?		X				
c. Changes in the diversity or abundance of nongame species?		X				
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				See Comment 5f. Below
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. ♦♦For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f)		X				
i. ♦For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)		X				
j. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Fish/Wildlife Resources (Attach additional pages of narrative if needed):

5f.: The recently completed biological review by the U.S. Forest Service for the proposed Cougar Creek recreational bridge project, (See Attached Report), indicates no anticipated impacts to wildlife species are expected during the period between December 1 to March 31. Regarding to snowmobile use, closure of the bridge would comply with the seasonal closures as stated in the Montana Snowmobile PEIS document for the West Yellowstone snowmobile trail grooming program. The bridge would be closed to motorized use between April 1 and November 30 annually.

- ✱ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

6. <u>NOISE/ELECTRICAL EFFECTS</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
a. Increases in existing noise levels?		X				See Comment 6a. Below
b. Exposure of people to serve or nuisance noise levels?		X				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				
e. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Noise/Electrical Resources (Attach additional pages of narrative if needed):

6a.: Noise levels in the vicinity of both recreational and highway bridges are not expected to change from existing levels.

HUMAN ENVIRONMENT

7. <u>LAND USE</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				
e. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

8. <u>RISK/HEALTH HAZARDS</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		X				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?		X				See comment 8c. below
d. ♦For P-R/D-J, will any chemical toxicant be used? (Also see 8a)		X				
e. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Risk/Health Hazards (Attach additional pages of narrative if needed):

- 8c. The recreational bridge would provide safe travel for snowmobilers and grooming equipment, thereby eliminating conflict with highway traffic. Snowmobiles and trail grooming equipment currently use Highway 191 bridge to cross Cougar Creek, creating an unsafe and hazardous situation with highway traffic, to reach the authorized and maintained snowmobile trails to the north. Motorized recreational use would be limited to snowmobile use between December 1 and March 30 annually.

HUMAN ENVIRONMENT

9. <u>COMMUNITY IMPACT</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				
d. Changes in industrial or commercial activity?		X				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				See Comment 8c. Above
f. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluation.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Community Resources (Attach additional pages of narrative if needed):

✱ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

► Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

◆◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

10. <u>PUBLIC SERVICES/TAXES/UTILITIES</u> Will the proposed action result in:	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify: Bridge inspection and maintenance.			X			See comment 10a, 10e, and 10f. below
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased used of any energy source?		X				
▶ e. Define projected revenue sources						See comment 10e. below
▶ f. Define projected maintenance costs.						See comment 10f. below
g. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

narrative Description and Evaluation of the Cumulative and Secondary Effects on Public Services/Taxes/Utilities (Attach additional pages of narrative if needed):

- 10a.: In order to maintain bridge safety, Fish, Wildlife and Parks will develop a bridge inspection schedule.
- 10e.: Project revenue would be derived from two sources. The U.S. Forest Service would contribute \$70,000 for bridge costs through engineering staff time and the purchase of construction material. A Federal Recreation Trail Program grant awarded by FWP to the West Yellowstone Chamber of Commerce for \$22,000 will constitute the balance needed to construct the bridge.
- 10f.: Fish, Wildlife and Parks would utilize snowmobile-dedicated funds for bridge inspections, operations and maintenance. Annual operation and maintenance costs are not known or projected at this time.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

◆ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

◆◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

▶ 11. <u>AESTHETICS/RECREATION</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		X				
b. Alteration of the aesthetic character of a community or neighborhood?		X				
▶c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)		X				
d. ♦♦For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)		X				
e. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluation.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Aesthetics/Recreation (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

12. <u>CULTURAL/HISTORICAL RESOURCES</u>	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
Will the proposed action result in:						
▶a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ♦♦For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)		X				Attached: SHPO letter
e. Other: <u>None</u>						

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluation.

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Cultural/Historical Resources (Attach additional pages of narrative if needed):

- ✱ Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.
- ▶ Include a narrative description addressing the items identified in 12.8.604-1a (ARM)
- ♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.
- ♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

HUMAN ENVIRONMENT

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT*				Can Impact Be Mitigated*	Comment Index
	Unknown*	None	Minor*	Potentially Significant		
<u>Will the proposed action, considered as a whole:</u>						
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)			X			See comment 13a. below
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?			X			See comment 13e. below
f. ♦For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)		X				
g. ♦♦For P-R/D-J, list any federal or state permits required.		X				

* include an attachment with a narrative explanation describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

13a.: Cumulative effects of the proposed action would result in enhanced public safety and compliance to regulatory statutes regarding snowmobile use. Signing would be implemented to mitigate minor hazards such as users approach the bridge from either direction of travel. Delineator signs in construction and maintenance zones are intended to be a guide to indicate the alignment of the roadway and to outline the required vehicle path through an area. Delineator signs will be erected at the ends of the bridge.

13e.: Resolution of an unsafe situation is the sole intent for the construction of the recreational bridge. Discussion regarding the management of recreational activities on public lands is outside the scope of this EA. The agreement under which FWP takes ownership of the bridge would limit uses of the bridge to snowmobiles, grooming equipment pedestrian, bicycle, cross-country ski, and equestrian travel.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

♦ Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

♦♦ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PART II. ENVIRONMENTAL REVIEW (Continued)

2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:

Alternative I: (No Action)

Under this alternative, Montana Fish, Wildlife & Parks would not enter into a cooperative agreement with the US Forest Service, West Yellowstone Chamber of Commerce for the purpose of constructing the Cougar Creek recreation bridge or the subsequent ownership of the bridge.

Alternative II: Proposed Action

This alternative is the preferred action. Montana Fish, Wildlife & Parks would enter into a cooperative agreement with the US Forest Service, and West Yellowstone Chamber of Commerce for the purpose of constructing the Cougar Creek recreation bridge with FWP taking subsequent ownership of the bridge. The bridge would provide safe passage for snowmobiles and trail grooming equipment across Cougar Creek. Recreational use of the bridge would be limited to snowmobiles, snowmobile trail grooming equipment, pedestrian, bicycles, cross-country ski and equestrian use. Operation and maintenance of the bridge would be funded from state snowmobile dedicated funds.

3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

The foremost purpose of a recreational bridge is to provide for public safety and a method of redirecting snowmobile traffic off the Highway 191 bridge across Cougar Creek, thereby eliminating conflicts with highway traffic. The bridge would bring the snowmobiling public into compliance with Montana statute Title 23-2-631, "Operation on public roads, streets, and highways."

Construction within the highway easement, held by the Montana Department of Transportation, is allowable in Part (4) of the Highway Easement Deed enacted December 17, 1985.

Authorization for ownership of the bridge is referenced in Montana statute Titles: 23-1-102.- Powers and duties of department of Fish, Wildlife & Parks. and 70-16-301. - Recreational purposes defined.

4. Based on the significance criteria evaluated in this EA, is an EIS required? **NO** If an EIS is not required, explain why the EA is at appropriate level of analysis for this proposed action:

After review of the relevant biological and social information regarding the construction the Cougar Creek recreation bridge, it has been determined that significant impacts will not occur. No further review or environmental assessment is necessary based on the lack of significant impacts to the natural or human environment.

5. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the circumstances?

Public announcements through local newspapers will be made in accordance with MEPA guidelines. Newspapers listed below will receive announcements requesting public comment. A mailing of the draft EA will be made to individuals and agencies registered to receive agency MEPA documents and any others contacting FWP at the address or phone number below.

Newspapers: Bozeman Daily Chronicle
Independent Record

State Electronic Bulletin Board

6. Duration of comment period if any:

A thirty day public comment period starting July 6, 1998 to 5 PM, August 5, 1998.

7. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Ray Heagney, Parks Operations Specialist
1400 S. 19th Ave.
Bozeman, MT 59718
(406)994-6934

PART III. NARRATIVE EVALUATION AND COMMENT

The review of pertinent documents relating to safety hazards resulting from the use of the highway bridge by snowmobilers and grooming equipment has indicated that the overall public safety, for highway and recreational traffic, requires action by government agencies with administrative authority to reduce or eliminate a hazardous situation. Evidence recorded on video demonstrates that several times during a snowmobiling day, near misses occur at the highway bridge when highway and recreational snowmobile traffic meet on the bridge.

The highway bridge surface is not favorable for operating a snowmobile safely or effectively at any speed. Snowmobile travel along the highway bridge interferes with normal highway patterns and highway driver practices. Snowmobilers are also limited in maintaining visual contact with highway traffic approaching from the rear. A recreation bridge would separate snowmobile and highway traffic during the snowmobiling season.

FWP's Region Three wildlife and fisheries divisions have reviewed biological data compiled by the Gallatin National Forest regarding this project. Both divisions concur that no significant impacts to wildlife or fisheries would result from the construction or use of this structure.

This project does not involve Pittman -Robertson or Dingell-Johnson funding sources. The questions in this environmental assessment pertaining to P-R or D-J are not applicable to the proposed action.

A delay in resolving this dangerous condition may eventually result in serious injury to motorists and /or snowmobilers.

ATTACHMENTS

- Figure One - see page three.
- 1. State Historic Preservation Office Review.
- 2. U.S. Forest Service's biological evaluation.
- 3. Gallatin National Forest Sensitive Plant Survey.
- 4. Pending - Stream Preservation Act Permit Application.
- 5. Highway Easement Deed.

Attachment One

State Historical Preservation Office Review

State Historic Preservation Office

Montana Historical Society

Mailing Address: 225 North Roberts • Helena, MT 59620-9990

Office Address: 102 Broadway • Helena, MT • (406) 444-7715

February 2, 1990

Walter E. Allen, Forest Archaeologist
Gallatin National Forest
P.O. Box 130
Bozeman, Montana 59771

Re: Timber Butte Cost Share Road (D6-89-15)
-Whit's Lake Road Rehabilitation (D7-89-1)
Trout Pond Survey (D1-89-10)
-Morrison Spring (D6-89-14)
-Tampfrey Creek Timber Sale (D6-89-13)
Mica Creek Commercial Sale (D6-89-12)
Leverich Canyon End of Road (D6-89-11)
Madison and Cougar Creek Snowmobile Bridges (D7-89-5)
-Cabin Creek Scarp Trailhead Refurbishing (D7-89-4)

USDA Forest Service BOZEMAN, MT 59715	
FEB 5 1990	
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RAIL	RECORDS
ENG.	RECORDS
RAIL	RECORDS
RESEARCH	RECORDS
TBR	RECORDS
MIN.	RECORDS
HYDR.	RECORDS
SOIL	PURCH

Dear Walt:

Thank you for this opportunity to comment, pursuant to 36CFR800.4, on the cultural resource inventory reports prepared for the above cited undertakings. We concur with the methods, results, and recommendations documented in the reports.

Since no cultural resource properties were identified during surveys of the potential impact areas of each of the undertakings, we agree that these projects have a low likelihood for affecting properties on or eligible for the National Register of Historic Places.

We note that impacts may be occurring at 24Gall15 associated with use of Whit's Lake. We recommend as part of your cultural resource management plan for this property that the effects of these impacts be further assessed and, if considered necessary, a determination of the site's eligibility for the National Register of Historic Places be made.

Thank you for consulting with us. We ask that you include a Montana Cultural Resource Annotated Bibliography System data entry form with each report submitted in the future for our review. Information about this system and a data entry form for your use were provided in our Preservation Planning Bulletin No. 7. If you have any questions regarding the system or the data entry form, please feel free to contact us. Your cooperation in creating and maintaining a bibliography of inventory reports is appreciated and will assist all of us involved in historic preservation planning for Montana.

Sincerely,

Mark F. Baumler
Mark F. Baumler, Ph.D.
Deputy SHPO/Archaeologist

File: Gallatin NF/1990

USDA - FOREST SERVICE
GALLATIN NATIONAL FOREST

CULTURAL RESOURCE INVENTORY REPORT FORM

IF CULTURAL RESOURCE SITES OR ARTIFACTS ARE DISCOVERED DURING PROJECT WORK
NOTIFY THE FOREST ARCHEOLOGIST IMMEDIATELY

ABSTRACT:

A cultural resource survey was completed for two proposed snowmobile bridges. One bridge would cross the Madison River and the other would cross Cougar Creek. No cultural resources were discovered and it is recommended that the projects proceed.

INSTITUTION RESPONSIBLE FOR INVENTORY:

Gallatin National Forest

INVENTORY SPONSOR:

Gallatin National Forest

PROJECT IDENTIFICATION:

Madison and Cougar Creek Snomo Bridges

PROJECT LOCATION: Madison Valley Basin STATE: MONTANA COUNTY: GallatinRANGER DISTRICT: Hebgen Lake USGS QUAD: Tepee Creek SELEGAL LOCATION: Sections 21 and 22 T12S R⁴⁵~~45~~E and Section 10 T13S R⁴⁵~~45~~EACREAGE INVOLVED: PROJECT: 1/2 SURVEYED: 4 PERCENTAGE: 100

PROJECT DESCRIPTION: (Describe expected direct and indirect impacts expected)

The project would consist of construction impacts into the Cougar Creek and Madison River banks for the bridge pilings.

FILES SEARCH:

SHPO/UM Site File Checked: *
Results: *

S.O./District Inventory Records Checked: 6/6/89
Results: No sites

X NATIONAL REGISTER & MONTHLY SUPPLEMENT

_____ MONTANA STATE HISTORIC PRESERVATION PLAN
_____ GLO PLATS
_____ MINERAL SURVEYS
_____ HOMESTEAD ENTRY PLATS
_____ LAND STATUS RECORDS
_____ HISTORIC ABSAROKA N.F. MAPS
_____ HISTORIC GALLATIN N.F. MAPS
_____ HISTORIC MADISON N.F. MAPS

PROJECT SETTING: (In narrative form this section must include a description of the project area including major physiographic features, topography, and any factors conditioning the presence or absence of cultural resource sites)

These projects lie immediately adjacent to highway 191 on the banks of the Madison river and Cougar Creek. Cougar Creek is a tributary creek of the Madison river but empties into Hebgen Lake. Both project locations have similar settings in a low, wide, flat basin, with abrupt terrace banks. The soils are typical obsidian sands. It is estimated that there would be moderate site potential.

FIELDWORK: (In narrative form this section must include date(s) of work, name(s) of field investigator(s), and full description of field methodology)

Date(s) of fieldwork: 6/6/89

Investigator(s): Walt Allen, Alan Thompson

The banks on both sides of the Madison river and Cougar Creek were inspected for cultural resources. An area approximately one acre on both sides of the creek were carefully walked over in close (~5 meter) interval transects.

CULTURAL RESOURCES INVENTORY:

Prehistoric Isolates: 0
Prehistoric Sites: 0
Historic Isolates: 0
Historic Sites: 0
TOTAL LOCALITIES RECORDED: 0

DISCUSSION OF RESULTS:

No evidence of archeological or historical sites was found.

EVALUATION OF NATIONAL REGISTER ELIGIBILITY:

N/A

RECOMMENDATIONS:

It is recommended that the project proceed as planned.



Principal Investigator

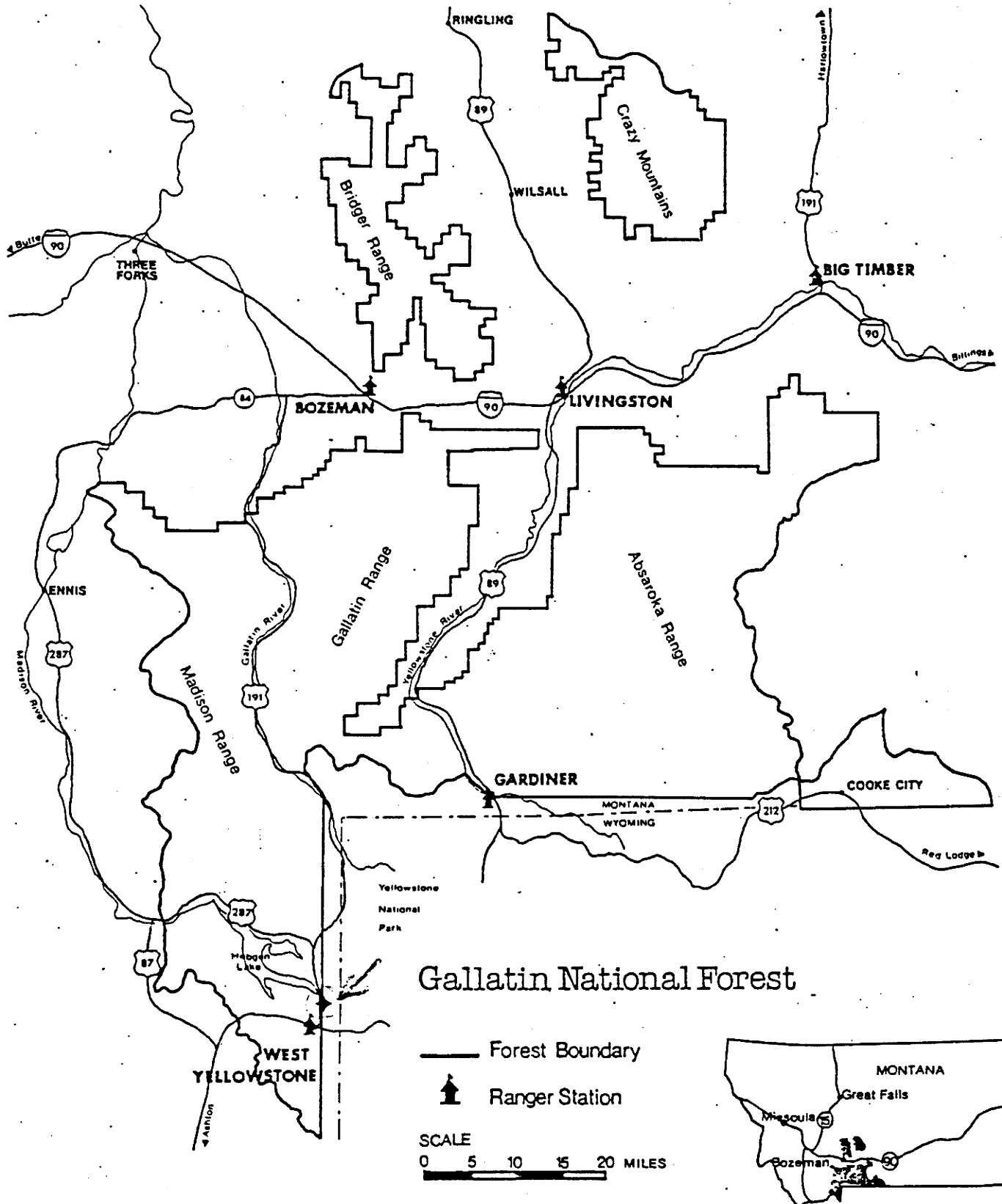
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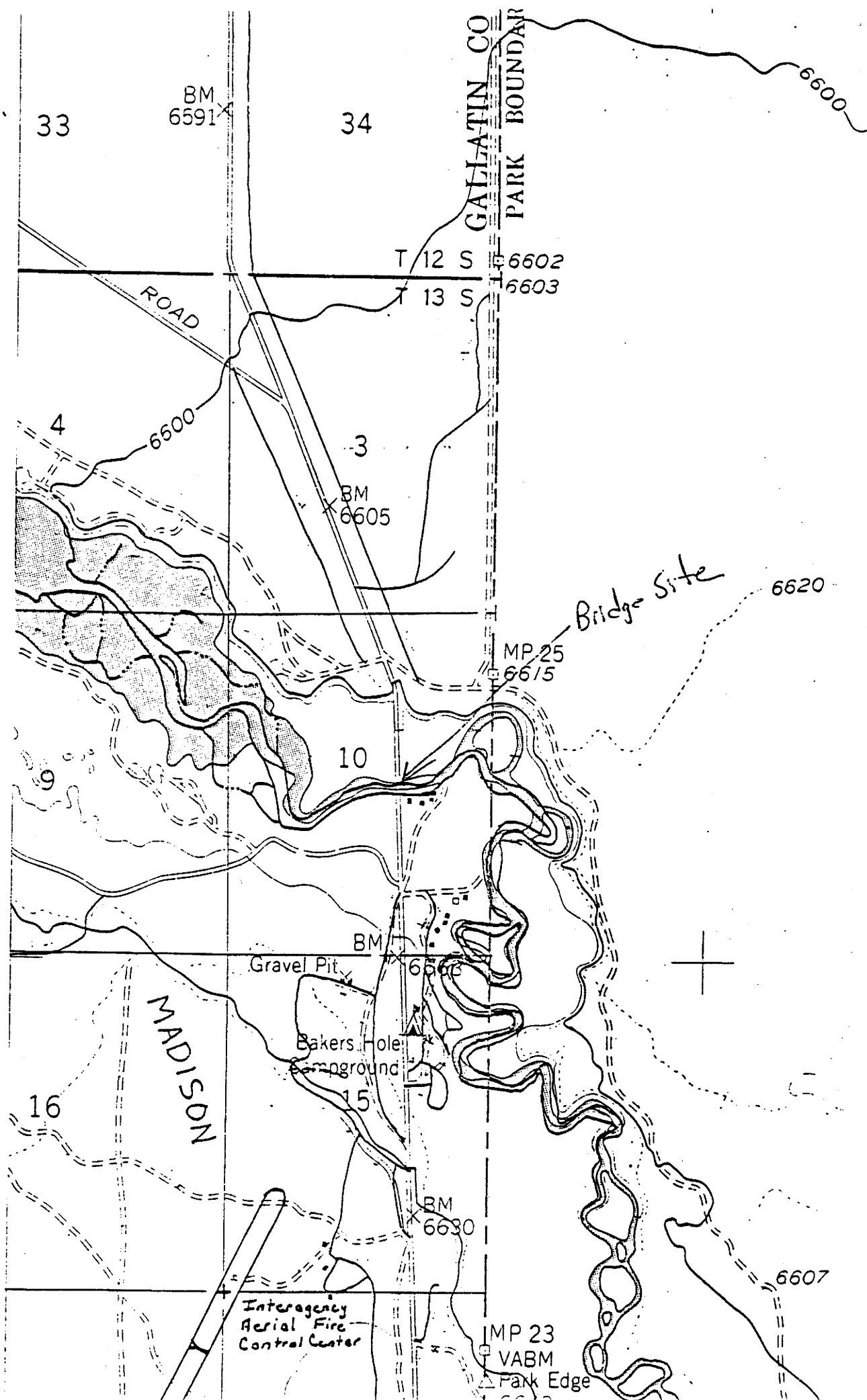
Appendix 1: Portion of U.S.G.S. 7.5 min. quadrangle showing project location and general vicinity.

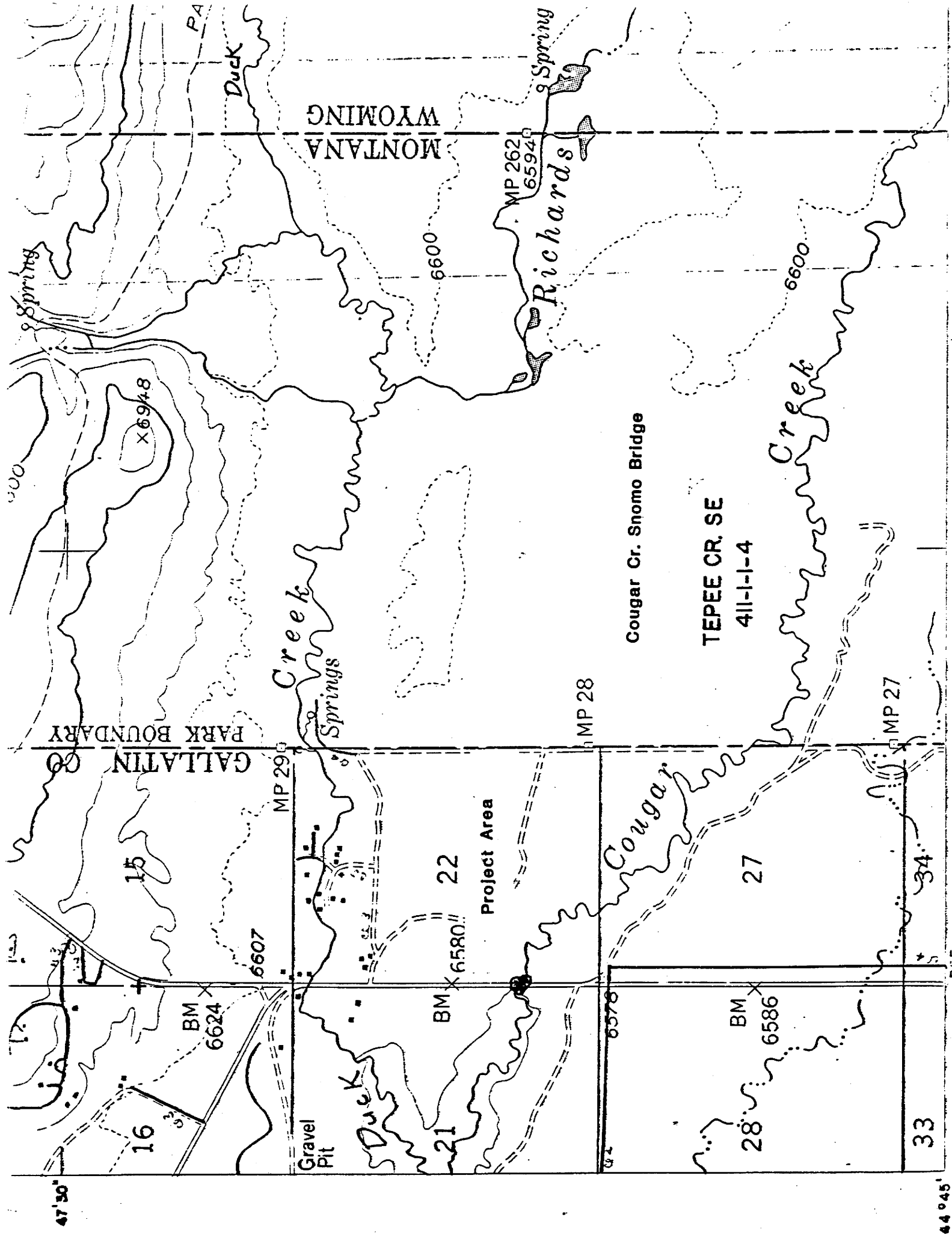
Appendix 2: Photograph(s) of Survey Area, Cultural Resource Sites.

Appendix 3: U.S. Forest Service Cultural Site Record forms (as necessary).

Vicinity Map







47°30'

64°45'

Attachment Two

U.S. Forest Service's Biological Evaluation



United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Hebgen Lake Ranger District
P. O. Box 520
West Yellowstone, MT 59758
Phone: 406-646-7369
FAX: 406-646-9632

File Code: 2670

Date: February 26, 1998

Subject: Biological Evaluation for the Construction of the Cougar Creek Snowmobile Bridge
Addressing Sensitive Plants and Wildlife

To: District Ranger
Resource File

A. Introduction

Sensitive species are those plants and animal species identified by a Regional Forester for which population viability is a concern as evidenced by a significant current or predicted downward trend in population numbers, density, or in habitat capability that would reduce a species' existing distribution (FSM 2670.5.19). The U.S. Forest Service Region 1 Regional Forester, David F. Jolly, designated species as "sensitive" in a memo to Forest Supervisors dated 10 July 1994.

Protection of sensitive species and their habitats is a response to the mandate of the National Forest Management Act (NFMA) to maintain viable populations of all native and desired non-native vertebrate species (36 CFR 219.19). The sensitive species program is intended to be pro-active by identifying potentially vulnerable species and taking positive action to prevent declines that would result in listing under the Endangered Species Act.

As part of the National Environmental Policy Act (NEPA) decision making process, proposed Forest Service programs or activities are to be reviewed to determine how a proposed action will affect any sensitive species (FSM 2670.32). The goal of the analysis should be to avoid or minimize impacts to sensitive species. If impacts can not be avoided, the significance of potential adverse effects on the population or its habitat within the proposed project area and on the species as a whole needs to be assessed. The biological evaluation is the means of conducting the review and of documenting the findings (FSM 2672.4).

B. Proposed Action

The Hebgen Lake Ranger District is proposing to cost share and allow the construction of a bridge across Cougar Creek to accommodate existing snowmobile and other non-motorized users (pedestrian, equestrian, and bicycle). The "snowmobile bridge" is to be located at milepost 7.8 on U.S. Highway 287 (Highway). Construction of the snowmobile bridge would be completed during the summer of 1998.

The purpose of the proposed action is to eliminate the unsafe practice of snowmobilers crossing Cougar Creek on the highway bridge. The existing situation is hazardous because the highway bridge crossing Cougar Creek was not designed to accommodate cars, large trucks, and snowmobiles at the same time. This situation has existed for the past 25 years but increases in passenger vehicles, large tractor-trailer transports and snowmobile use during the past 10 years have increased the potential for serious accidents on the highway bridge.

The snowmobile bridge would allow snowmobilers to travel the existing snowmobile trail from the town of West Yellowstone to the Big Sky trail without passing over the highway bridge which has been traditionally used to cross over Cougar Creek. The estimated 9 miles of trail from town to the Big Sky trail is groomed during the winter. The snowmobile trail that exists between Cougar Creek and the Big Sky trail is not displayed as a snowmobile trail on the *Gallatin National Forest West Half* (USDA 1996) map or the *Winter Guide To Yellowstone Country* map (West Yellowstone Chamber of Commerce, no date) since it lies within the highway easement. The Big Sky trail is an estimated 33 mile trail that travels from Grayling Creek to the Taylor Fork. Approximately 20 miles of this route is groomed trail. Both of these trails have been designated for snowmobile use and groomed for the past 20 years.

The snowmobile bridge would also allow pedestrians, horseback riders, and bicyclers to cross Cougar Creek without having to get on and off of Highway 287. Installation of the snowmobile bridge would reduce the risk of accidents on the highway bridge; it would not provide new destinations for snowmobilers or other non-highway users or increase human recreation levels along this route. The bridge would be closed during the summer and fall to all motorized vehicles with a gate.

The bridge would be constructed on US Forest Service (Forest Service) administered lands but within the limits of an existing highway easement issued to Montana Department of Transportation. The snowmobile bridge would run parallel to and be constructed within 100 feet of the existing highway bridge. The newly constructed snowmobile bridge would be on the upstream (east) side of the highway bridge and would be approximately 18 feet in width and 50 feet in length with additional approaches approximately 35 to 150 feet in length on each side. Construction would include filling approaches with soil to create ramps, removal of willows and vegetation for a width of 24 feet along the approaches (the west side of approaches would be along the highway; this area is generally already void of shrubs/willows), and the construction of the bridge and abutments. Construction would occur for approximately 3 to 4 weeks.

Costs associated with the construction of approaches and abutments along with costs associated with installation of the bridge would be shared between the Forest Service, West Yellowstone Chamber of Commerce and grant funding administered by the Montana Fish, Wildlife and Parks (MFWP). MFWP has agreed to pursue a formal agreement with the Montana Department of Transportation and the Forest Service for the management of the bridge once it is completed.

The Cougar Creek snowmobile bridge would be constructed under the following conditions:

- Formal project agreement between Montana Department of Transportation, Montana Fish, Wildlife & Parks and the U.S. Forest Service would be completed prior to construction.
- The bridge would be located immediately upstream from the existing highway bridge & within the highway right-of-way limits.
- The Forest Service would complete bridge design and provide completed design to Montana Department of Transportation for review before construction.

- In addition to designing the bridge, the Forest Service would deliver bridge stringers/decking to the site. All other costs associated with construction would be borne
- The riparian area of Cougar Creek would be protected from any irreversible effects to soils, water and vegetation during construction. Proper permits would be acquired before the project would be completed.

The proposed project riparian area is characterized by an abundance of willows and open grass slopes. Adjacent to the riparian area is predominately subalpine fir/grouse whortleberry (*Abies lasiocarpa*/ *Vaccinium scoparium*) habitat type and lodgepole pine (*Pinus contorta*) is the dominant seral species (Phister et al. 1977). Forage potential for big game in the timber stands is low (Schaeffer 1978) although this habitat provides cover for elk during the spring and fall. Moose utilize the riparian habitat for forage and cover year-round.

C. Analysis of Effects to Sensitive Species

Field review of the area of the proposed as the site of the Cougar Creek snowmobile bridge was conducted on October 31, 1997. A field survey for sensitive plants was completed on August 21, 1997.

Sensitive Wildlife Species

The following table lists the current sensitive wildlife species on the Gallatin National Forest. The columns with headings "Habitat present" and "Species Known to Occur" are specific to the project area. If habitat is present in the adjacent areas and sensitive species are known to be present those adjacent areas, it is discussed in the text following the table.

Sensitive Wildlife Species		Habitat Present	Species Known To Occur
Black-backed Woodpecker	<i>Picoides arcticus</i>	No	No
Boreal Owl	<i>Aegolius funereus</i>	Yes	No
Flammulated Owl	<i>Otus flammeolus</i>	No	No
Harlequin Duck	<i>Histrionicus histrionicus</i>	No	No
Lynx	<i>Felis lynx</i>	Yes	No
Montana arctic grayling	<i>Thymallus articus montanus</i>	Yes	No
Trumpeter Swan	<i>Cygnus buccinator</i>	Yes	No
Western Big-eared Bat	<i>Plecotus townsendi</i>	Yes	No
Westslope cutthroat trout	<i>Salmo clarki lewisi</i>	Yes	No
Wolverine	<i>Gulo gulo</i>	Yes	No
Yellowstone cutthroat trout	<i>Salmo clarki bouvieri</i>	Yes	No

The black-backed woodpecker is a forest dwelling species and has displayed a selection for mature and over-mature forest stands. Lodgepole pine (*Pinus contorta*), Douglas-fir (*Pseudotsuga menziesii*) and, to a lesser extent, spruce (*Picea spp*) are used as primary feeding and nesting habitat. Successful nesting has been documented to occur in trees that average <20 inches dbh and have been dead less than 5 years (Bull et al. 1986). Black-backed woodpeckers seem to prefer recently burned stands where it forages on insects. Although black-backed woodpeckers may occur on the Forest, they are rarely documented to

occur. Suitable habitat for the black-backed woodpecker does not occur in the riparian area at the proposed project site.

Boreal owls are secondary cavity nesters and occupy forested habitats including spruce/fir, lodgepole pine and Douglas-fir forests at elevations generally above 7000 feet (Hayward et al. 1987). Mature and old-growth forests are preferred for nesting and foraging habitat. Nest cavities may be available in aspen (*Populus spp*) and mixed conifer forests at the lower spruce/fir zone. Prey includes voles (*Microtus spp* and *Clethrionomys spp*) and foraging habitat is characterized by mature, mesic forests where rotting logs and stumps are abundant. Boreal owls are present on the Gallatin National Forest, generally from January to July. Surveys were completed on the Hebgen Lake Ranger District (February-March 1995 and 1997) and one boreal owl was heard in the Tepee Creek area. Foraging habitat may be available in the Cougar Creek area and would not be affected by the proposed project. Nesting habitat is not present within the riparian area.

The flammulated owl is an obligate secondary cavity nester that prefers to breed in lower elevation (<6000 feet) ponderosa pine (*Pinus ponderosa*) or Douglas-fir forests. They will also use mixed conifer and conifer/aspen forests. Flammulated owls prefer mature/old-growth forests with sparse to moderate canopy cover and stands of 20 to over 100 acres (Reel et al. 1989). They are present from late April to September and forage along edges and in open forests feeding on nocturnal arthropods. Flammulated owls are known to occur on the Gallatin National Forest but are not suspected to occur on the Hebgen Lake Ranger District since most of this area lies above 6000 feet elevation.

Lynx are typically found at high elevations, generally above 4000 feet. They require a mosaic of forest conditions from early successional to mature coniferous and deciduous stands (Koehler et al. 1979). Lynx are closely associated with its primary prey, snowshoe hare, and uses dense, young vegetation for hunting. In the western mountains of the lower 48 states, alternate food sources including tree squirrels, voles and mice are also important (Ruggiero et al., 1994). Denning is usually in mature or old growth forest with lots of downfall. Lynx do occur on the Gallatin National Forest. A track was observed and verified by Montana Fish, Wildlife and Parks in the Tepee Creek area (approximately 4 miles north of the proposed project at Cougar Creek) in 1995 and 1996. Habitat may be available for this species in the Cougar Creek area.

The Western big-eared bat is commonly found in mesic habitats in coniferous and deciduous forests but can be found almost anywhere. They generally inhabit caves and mines and show an affinity for riparian areas. Western big-eared bats are insectivores feeding primarily on small moths (*Lepidoptera*) along forest edges, vertical cliffs, and wet areas. Although they are known to occur on the Gallatin National Forest, Western big-eared bats have not been observed on the Hebgen Lake Ranger District. Since big-eared bats have been found in high elevation mixed-coniferous forest, it is possible that these bats may forage along the riparian area adjacent to Cougar Creek. Caves or other suitable winter roost sites do not occur within the proposed project area.

Wolverines are primarily scavengers and occupy a variety of habitats depending on the time of year. Food availability may be the primary factor in determining movements and habitat use. Wolverines are opportunistic carnivores (eating what is available) and seem to use high elevations during the summer, winter ranges of big game in the winter and riparian areas during the spring (Hash 1988). Mature and intermediate age timber stands with edge appear to be preferred habitats with dense young timber, burns, wet meadows and clear-cut rarely used. Extensive travel by wolverines is not unusual and wolverines can have home ranges of up to 950 sq. km. (Ruggiero et al., 1994). They are considered a "wilderness"

mammal and have been observed in remote areas of the Hebgen Lake Ranger District. Although wolverine have not been seen in the proposed project area, riparian habitat may provide winter or spring habitat for wolverine. Considering the level of human development and activity in the surrounding areas and the lower quality habitat present (except the forested area to the southeast into Yellowstone National Park), wolverines might use this area as a dispersal or travel corridor to access more desirable habitat.

Several sensitive species are associated with either lake or stream systems. The trumpeter swan nests in wetland habitat including marshes, ponds, and rivers. Preferred nesting habitat is characterized by eutrophic lakes and/or marshes that have a diversity of submerged and emergent vegetative communities, shoreline irregularity, sufficient areas of water less than 3 feet deep, and do not have dramatically fluctuating water depths within a nesting season (Maj 1983). Winter habitat is characterized by large bodies of water that remain open during the winter months and have an abundance of diverse submergent aquatic vegetation that is available. The Gallatin National Forest provides habitat for the trumpeter swan primarily during the spring and winter on Hebgen Lake. Cougar Creek is a relatively narrow meandering creek. The water is slow moving during summer and fall, but may be fast moving during spring run-off. Edges of the creek are lined with ice during the winter. Although no observations of trumpeter swans have been made in this area, habitat may be present for immature trumpeter swans along Cougar Creek during summer and fall. Swans could be displaced from the site during construction activities. Considering the presence of the highway, the bridge should have no additional effect on the trumpeter swan.

During the breeding season, Harlequin ducks occupy fast, swift moving in-land streams with a gradient less than 5%. Streams are generally characterized by a width from 3 to 150 feet, cobble to boulder substrate and some degree of interspersed backwater and meanders. Despite survey efforts, the harlequin duck is presently found to nest only on the Big Timber Ranger District. Individual harlequins have been observed elsewhere on the Forest and most are migratory. Because of the lack of swift water during most of the summer, breeding habitat within the proposed project area is not suitable for this species. Harlequin Ducks are sensitive to human activity. The activity along the existing highway would likely prevent Harlequin Ducks from using the area even if habitat was present.

Wild trout species tend to occupy river head waters and cold clear deep lakes with tributary streams. Cutthroat trout generally move into tributaries to spawn during the spring. Aquatic insects are the most important food item although other aquatic invertebrates and terrestrial insects are important items at times. Fish species documented as present in lower Cougar Creek (aka. Maple Creek) include rainbow trout, brown trout, brook trout, whitefish, and sculpin.

The historic range of Yellowstone cutthroat trout (YCT) included the Yellowstone River Drainage in Montana and Wyoming and portions of the Snake River drainage in Wyoming, Idaho, Nevada, Utah and possibly Washington (Clark et al. 1989). The current distribution of YCT is severely reduced from the historical range with YCT most abundant in the Greater Yellowstone Ecosystem. Approximately 10 to 15 years ago, MFWP introduced YCT into Hebgen Lake to provide recreational fishing (not as a conservation effort). The introduced YCT and the existing rainbow trout produced a hybrid YCT/rainbow population which exists primarily in Red Canyon. Some hybrids are also present in Hebgen Lake. The hybrid YCT/Rainbow is not a species of concern in terms of conservation (Bruce May, pers. comm.). The proposed bison capture facilities would not affect Yellowstone Cutthroat trout since they do not occur in Cougar Creek.

The arctic grayling historical range included the upper Missouri River system of Montana and Yellowstone National Park (Clark et al., 1989). Although distribution of the arctic grayling has also been reduced, lake and river populations persist in the Greater Yellowstone Ecosystem. Arctic grayling is typically a cold-water stream fish but it may be found in lakes. It is a spring spawner and spawning normally takes place in streams with bottom types varying from sand to coarse rubble (fine gravel seems to be preferred). Grayling primarily forage on aquatic insects and crustaceans and are extremely voracious. Arctic grayling are present in the Madison River downstream from Earthquake Lake (Bruce May, pers. comm.). Arctic grayling are not present in Cougar Creek and would not be affected by construction of the proposed snowmobile bridge.

The historical range of the Westslope cutthroat trout (WCT) in Montana consisted of the upper Missouri River drainage to below Great Falls, Montana (Clark et al., 1989). The current distribution of WCT is significantly reduced from the historical range. In the Greater Yellowstone Ecosystem (GYE), the WCT's range is restricted to a few isolated areas. There is only one known genetically pure population of WCT in the Gallatin National Forest (Cabin Creek). An isolated population of hybridized Westslope X Yellowstone cutthroat trout exist upstream of the Yellowstone National Park boundary in upper Cougar Creek. This population of hybridized cutthroat is physically isolated from lower Cougar Creek (Maple Creek) as upper Cougar Creek flows underground. Cougar Creek provides spawning and rearing habitat for brown and rainbow trout inhabiting Hebgen Lake.

Sensitive Plant Species

Habitat for 23 sensitive plants may exist on the Gallatin National Forest (Lesica and Shelly 1991, Clark et al. 1989). Most of the listed sensitive plant species are located in alpine, sub-alpine or moist areas. Some plant species may exist in areas not surveyed or occur during times of the year not yet surveyed.

No sensitive plants were found in the proposed project area during the plant survey. Habitat conditions may be suitable to support Slender paintbrush (*Castilleja gracillima*), Hiker's gentian (*Gentianopsis simplex*), Hall's rush (*Juncus hallii*), and Wolf's willow (*Salix wolfii* var. *wolfii*). The remaining species do not occur because habitat is not suitable for their existence or plants are not currently present.

Species		Habitat	Habitat Present
<i>Adoxa Moschatellina</i>	Musk-root	Grows in moist, mossy areas often in rock crevices and boulder slopes that may provide protection from human activities from 4,400-5,400 feet. <i>Inhabits areas below District Boundary elevation.</i>	No
<i>Agoseris lackschewitzii</i>	Pink Agoseris	Found in subalpine wet meadows between 8,500-9,500 feet where soil is saturated/moist all season.	No
<i>Aquilegia brevistyla</i>	Small-flowered Columbine	Found in meadows, open woods and rock crevices with limestone soils from 5,000-6,000 feet. <i>Inhabits areas below District Boundary elevation.</i>	No

Species		Habitat	Habitat Present
<i>Balsamorhiza macrophylla</i>	Large-leaved Balsamroot	Grows on open hills at 7,000-8,500 feet. Associated with bunch grasses. Generally flowers and seeds late June through early August. This species has been verified to occur in one area on the Hebgen Lake Ranger District.	No
<i>Carex livida</i>	Pale sedge	In Montana, grows in sphagnum bogs and fens from 4,000-6,000 feet. <i>Inhabits areas generally below District Boundary elevation.</i>	No
<i>Castilleja gracillima</i>	Slender Paintbrush	Located in wet meadows and along stream banks and other riparian areas from 6,700-7,000 feet. Flowers late June through late August. This species has been verified to be well distributed on the Hebgen Lake Ranger District.	Yes
<i>Castilleja longispica</i>	White Paintbrush	Generally associated with sagebrush meadows growing at 4,000-8,000 feet. This species has been verified to be well distributed on the Hebgen Lake Ranger District.	No
<i>Cypripedium calceolus</i> var. <i>parviflorum</i>	Small Yellow lady's-slipper	Occurs in damp woods, bogs, mossy seeps and moist forest-meadow ecotones from 3,000-6200 feet. <i>Inhabits areas generally below District Boundary elevation.</i>	No
<i>Epipactis gigantea</i>	Giant Helleborine	In Montana, occurs only around thermal springs, perennial springs with year-round water flow, bogs and fens, and seeps from 2,000-5,750 feet. <i>Inhabits areas below District Boundary elevation.</i>	No
<i>Eriophorum viridicarinum</i>	Green-keeled cottongrass	Occurs in cold sphagnum bogs from 3,800-4,500 feet. <i>Inhabits areas below Forest Boundary elevation.</i>	No
<i>Gentianopsis simplex</i>	Hiker's Gentian	Found growing in mountain bogs, meadows and seepage areas from 4,400-8,400 feet. Flowers in July and August.	Yes
<i>Goodyera repens</i>	Northern Rattlesnake-plantain	Grows in cool north aspects characterized by spruce/twinflower or subalpine-fir/twinflower habitat types. Flowers in August.	No

Species		Habitat	Habitat Present
<i>Haplopappus macronema</i> var. <i>macronema</i>	Discoid Goldenweed	Generally found growing at or above timberline (usually above 7,640 feet) in rocky, open or sparsely wooded slopes and often in talus slopes. Flowers in late July and August. This species has been verified to occur in two areas on the Hebgen Lake Ranger District.	No
<i>Juncus hallii</i>	Hall's Rush	Associated with montane to subalpine meadows, moist to dry meadows and slopes between 6,900-8,400 feet. Flowers in July and August.	Yes
<i>Kobresia macrocarpa</i>	Large-fruited kobresia	Occurs in alpine riparian and moist tundra, including gravelly lake shores, above 9,800 feet.	No
<i>Polygonum douglasii</i> var. <i>austiniae</i>	Austin's knotweed	Grows on open, gravelly, often shale-derived soil with eroding slopes and banks from 5,800-6,600 feet.	No
<i>Ranunculus jovis</i>	Jove's buttercup	Occurs on sagebrush slopes and open areas in spruce/fir parklands from 7,500-9,500 feet. Flowers and seeds generally set in May or June.	No
<i>Salix barrattiana</i>	Barratt's willow	Found growing in cold, moist soils near or above treeline (6,800-10,500 feet) especially in alpine areas. Fruits in late July or August.	No
<i>Salix wolfii</i> var. <i>wolfii</i>	Wolf's willow	Grows along stream banks and in wet meadows generally from 8200-9000 feet. This species has been verified to be well distributed on the Hebgen Lake Ranger District between 6600-6800 feet.	Yes
<i>Shoshonea pulvinata</i>	Shoshonea	Grows on open, windswept limestone substrates (in thin, rocky soils) along ridges and canyon rims from 6,800-9,000 feet. Blooms in late June through July.	No
<i>Thalictrum alpinum</i>	Alpine Meadowrue	Occurs in montane and subalpine habitat on hummocky ground where shrubs are present. Moist, alkaline meadows from 6,500-7,000 feet. Generally flowers and sets seeds in May and June.	No
<i>Thlaspi parviflorum</i>	Small-flowered pennycress	Occurs in moist to dry meadows and limestone cliffs in montane to alpine habitat; 7,500-10,000 feet. Generally flowers and sets seeds in June/early July.	No

Species		Habitat	Habitat Present
<i>Veratrum californicum</i>	California false-helleborine	Found growing in wet meadows and along stream banks in montane and subalpine habitat; 5,000-8,500 feet. Flowers in July and August.	No

D. Determination of Effects for Sensitive Species

Determination of effects include: *No impact*, *Beneficial impact*, *May adversely impact individuals or habitat but not likely to cause a trend to federal listing or loss of viability (May adversely)*, and *Likely to result in a trend to federal listing or loss of viability (Likely to)*.

Sensitive Species	Determination	Statement of Rational
Black-backed Woodpecker	<i>No impact</i>	Suitable habitat is not present within the project area.
Boreal Owl	<i>No impact</i>	Suitable nesting habitat is not present within the project area. Foraging habitat would be maintained.
Flammulated Owl	<i>No impact</i>	Project elevation exceeds 6000 feet.
Harlequin Duck	<i>No impact</i>	Suitable habitat is not present within the project area.
Lynx	<i>No impact</i>	Project would occur within 0.3 miles of the highway. Short-term displacement due to construction activities could occur.
Montana Arctic Grayling	<i>No impact</i>	Species does not occur in Cougar Creek.
Trumpeter Swan	<i>No impact</i>	Suitable habitat is restricted to summer and fall use. Low potential for disturbance during construction activities.
Western Big-eared Bat	<i>No impact</i>	Suitable nesting habitat is not present within the project area. Potential food resource in riparian area would not be greatly reduced.
Westslope Cutthroat Trout	<i>No impact</i>	Species does not occur in lower Cougar Creek
Wolverine	<i>No impact</i>	Project would occur within 0.3 miles of the highway. Short-term displacement due to construction activities could occur.
Yellowstone Cutthroat Trout	<i>No impact</i>	Species does not occur in Cougar Creek.

Proposed activities would not have any direct, indirect or cumulative impact on sensitive wildlife individuals or their habitats. Rational for this determination is based on: (1) suitable habitat is not present on the project area for these species, (2) there would be no impact to nesting or breeding habitat of any of the above mentioned species, and 3) there would be an insignificant impact to prey species that are utilized by the above mentioned species.

Potential impacts were analyzed for each sensitive plant species. The following factors contributed to this assessment, analysis and determination: habitat type, community type, vegetative association, elevation range, phenology, and disturbance sensitivity. Other factors considered included: 1) do plants exist on sites or habitats that are likely to be affected by activities; 2) what is the plant's response and are plants adversely affected by activities; and 3) have site conditions, microclimates, been changed by activities. The Natural Heritage program did not show any known sensitive plant locations within the proposed project area.

Sensitive Plant Species	Determination	Statement of Rational
Musk-Root	<i>No impact</i>	Suitable habitat is not present.
Pink Agoseris	<i>No impact</i>	Suitable habitat is not present.
Small-flowered Columbine	<i>No impact</i>	Suitable habitat is not present.
Large-leaved Balsamroot	<i>No impact</i>	Suitable habitat is not present.
Pale Sedge	<i>No impact</i>	Suitable habitat is not present.
Slender Indian Paintbrush	<i>May adversely affect</i>	Suitable habitat is present. Species not observed.
White Indian Paintbrush	<i>No impact</i>	Suitable habitat is not present
Small Yellow Lady's Slipper	<i>No impact</i>	Suitable habitat is not present.
Giant Helleborine	<i>No impact</i>	Suitable habitat is not present.
Green-keeled Cottongrass	<i>No impact</i>	Suitable habitat is not present.
Hiker's Gentian	<i>May adversely affect</i>	Suitable habitat is present. Species not observed
N. Rattlesnake Plantain	<i>No impact</i>	Suitable habitat is not present
Discoid Goldenweed	<i>No impact</i>	Suitable habitat is not present
Hall's Rush	<i>May adversely affect</i>	Suitable habitat is present. Species not observed.
Large-fruited Kobresia	<i>No impact</i>	Suitable habitat is not present
Austins' Knotweed	<i>No impact</i>	Suitable habitat is not present
Jove's Buttercup	<i>No impact</i>	Suitable habitat is not present
Barratt's Willow	<i>No impact</i>	Suitable habitat is not present.
Wolf's Willow	<i>May adversely affect</i>	Suitable habitat is present. Species not observed
Shoshonea	<i>No impact</i>	Suitable habitat is not present.
Alpine Meadowrue	<i>No impact</i>	Suitable habitat is not present.
Small-flowered Pennycress	<i>No impact</i>	Suitable habitat is not present.
Calif. False-helleborine	<i>No impact</i>	Suitable habitat is not present.

The construction of the snowmobile bridge would require removal of a strip of willows up to 300-350 feet long by 20-24 feet wide. The removal of the willows would result in some ground disturbance. The adjacent area and possibly this area was previously disturbed during construction of Highway 287.

Although potential habitat exists, sensitive plants have not been found during surveys. Construction activities may affect potential habitat in the riparian area or damage or remove individual sensitive plants that were undetected in surveys. However, habitat disturbance under the bridge would be temporary and existing riparian growing conditions would eventually return after construction. Habitat under the approaches would be removed as these areas would be filled to support the approaches. It is unlikely that sensitive plant populations would be affected by this proposed project.

D. Contacts

Wally McClure, USFS District Zone Fisheries Biologist, Gallatin National Forest, Bozeman, Montana.

Prepared by:

Date:

Janine Stangl 2/26/98

Janine (J.T.) Stangl
Wildlife Biologist
Hebgen Lake Ranger District

Prepared by:

Date:

Sandra P. Kratville 3/12/98

Sandy Kratville
Wildlife Biologist
Gallatin National Forest

References

- Bull, E. L., S. R. Peterson, and J. W. Thomas. 1986. Resource partitioning among woodpeckers in northeastern Oregon. USDA For. Serv. Res. Note PNW-444. 19pp.
- Clark T. W., A. H. Harvey, R. D. Dorn, D. L. Genter, and C. Groves, eds. 1989. Rare, sensitive, and threatened species of the Greater Yellowstone Ecosystem. Northern Rockies Conservation Cooperative. Montana Natural Heritage Program. The Nature Conservancy and Mountain West Environmental services. 153 pp.
- Hash, H. 1988. Wolverine. In Wild furbearer management and conservation in North America. Edited by m. Novak, J. A. Baker, M. E. Obbard, and B. Malloch. Ministry of Natural Resources, Ontario.
- Hayward, G. D., P. H. Hayward, and E. O. Garton. 1993. Ecology of boreal owls in the Northern Rocky Mountains, U.S.A. Wildl. Monogr. 124:1-59.
- Hayward, G. D., P. H. Hayward, and E. O. Garton. 1987. Revised breeding distribution of the boreal owl in the northern Rocky Mountains. Condor:431-432.
- Koehler, G. M., M. G. Hornocker, and H. S. Hash. 1979. Lynx movements and habitat use in Montana. Can. Field-Nat. 93:441-442.
- Lesica, P. and J. S. Shelly. 1991. Sensitive, threatened and endangered vascular plants of Montana. Montana Natural Heritage Program, Occasional Publication No. 1. Helena, Montana. 88 pp.
- Maj, M. E. 1983. Analysis of trumpeter swan habitat on the Targhee National Forest of Idaho and Wyoming. M. S. Thesis. Montana State Univ., Bozeman. 102pp.
- Phister, R. D., B. L. Kovalchik, S. F. Arno, and R. C. Presby. 1977. Forest Habitat Types of Montana. USDA For. Ser. Gen. Tech. Rep. INT-34. Intermountain Forest and Range Experimental Station. Ogden, Utah. 174 pp.
- Reel, S., L. Schassberger, and W. Ruediger. 1989. Caring for our natural community: Region 1- Threatened, endangered, and sensitive species program. USDA Forest Service. Northern Region. 309 pp.
- Ruggiero, L. F., Aubry, K. B. Buskirk, S. W., Lyon, L. J., Zielinski, W. J., tech. eds. 1994. The Scientific Basis for Conserving Forest Carnivores: American Marten, Fisher, Lynx and Wolverine in the Western United States. Gen. Tech. Rep. RM-254. Ft. Collins, CO: USDA, Forest Service. Intermountain & Northern Regions.
- USDA. 1987. Gallatin National Forest Plan. USDA Forest Service. Gallatin National Forest. Bozeman, Montana.

Attachment Three

Gallatin National Forest Sensitive plant Survey

Gallatin National Forest Sensitive Plant Survey
Contract Botanist, Judith C. McCarthy M.S.
Summer 1997

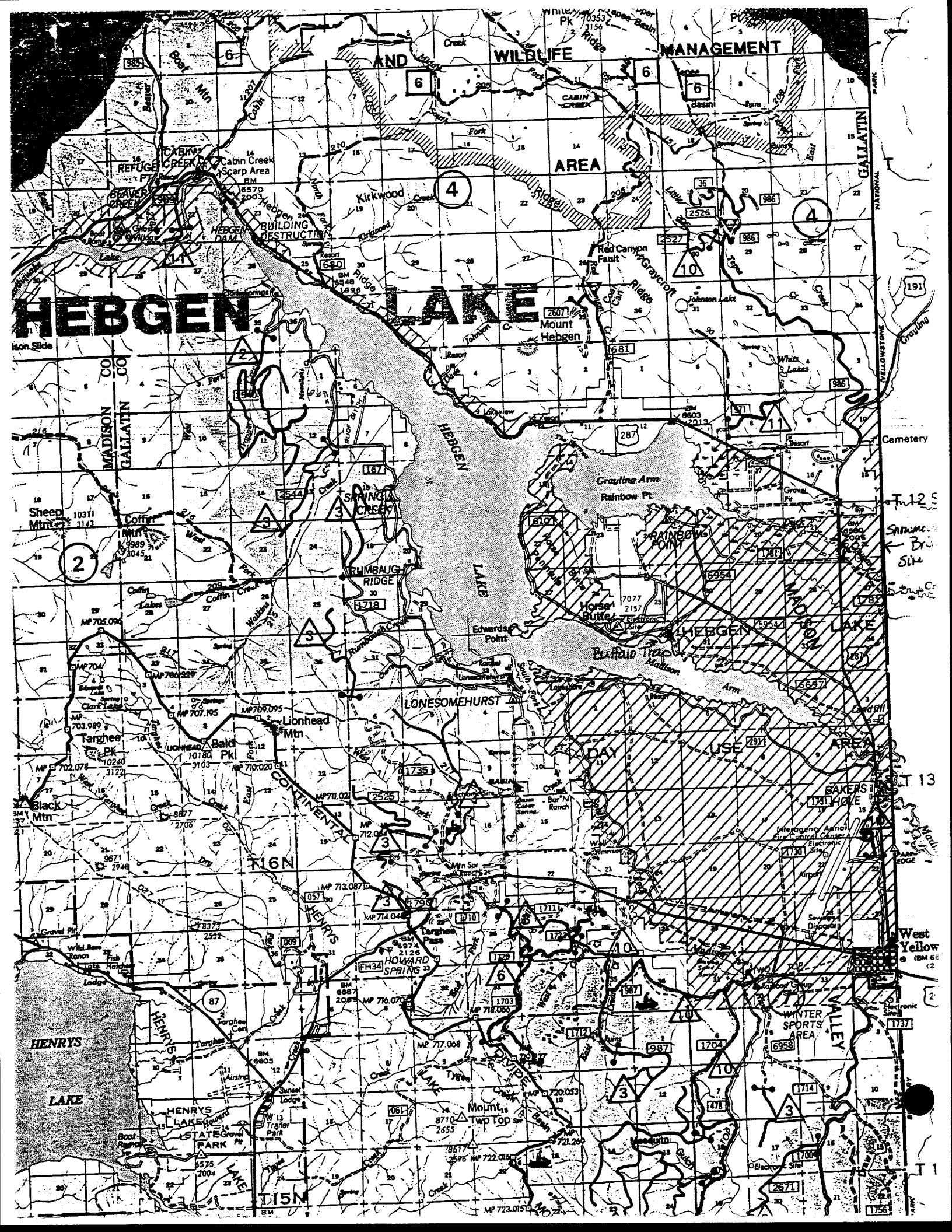
Site: Horse Butte Buffalo Trap
Quadrangle: Teepee Creek
TRS: 12S, 4E, S 36NE1/4
District: Hebgen Lake D-7
Contact Person: Claude Coffin

Date: August 22, 1997

On August 21, 1997, the area delineated as the site of the potential Buffalo Trap was surveyed and plants checked for sensitive species. A field check revealed the **absence of any sensitive plants at this time**. This very interesting dry habitat of sparse Lodgepole Pine and Bitterbrush had much *Artemisia tridentata* (Sagebrush), *Pentaphragmoides floribunda* (Cinquefoil) and *Chrysothamnus nauseosus* (Rabbitbrush). Grasses were: *Oryzopsis hymenoides* (Ricegrass), *Stipa comata* (Needle and Thread grass), *Danthonia* sp. and *Festuca idahoensis* (Idaho Fescue). Some of the forbs were *Antennaria* sp., *Lupinus* sp., *Phacelia hastata*, *Eriogonum umbellatum*, *Aster* sp. and *Polygonum* sp. (not the sensitive one). A map of the area is included with this report.

Site: Cougar Creek Snowmobile Bridge
Quadrangle: Teepee Creek
TRS: T12S, R 5E, S 22SW1/4
District: Hebgen Lake D-7
Contact Person: Claude Coffin

The proposed Snowmobile Bridge access site was surveyed over the 20 feet wide strip paralleling the Highway 191 for 150 feet running north to the bridge. A very dry and disturbed area revealed **no sensitive plants**. Willow species border Cougar Creek and they are not of sensitive type, besides being beyond the possible construction zone. Some *Artemisia* sp., *Senecio* sp., *Bromus* sp. and *Phleum pratense* were there with *Phacelia hastata*, *Eriogonum umbellatum* (Wild Buckwheat), *Aster* sp. and *Verbascum thapsis* (Mullein).



Attachment Four

Pending -(124 Permit)
Stream Preservation Act Permit
Application

FWP Use Only

Date Permit Issued _____

Water Code: _____

Appl. No. _____

STREAM PRESERVATION ACT PERMIT APPLICATION

"Notice of Construction"

(Please Print or Type)

Address: (see reverse side)

To: MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS

Region Three Attn: Fish Manager

1400 S. 19th

Bozeman, MT 59718

SPONSORING AGENCY: Montana Fish, Wildlife & Parks

Address: 1400 S. 19th

Bozeman, MT 59718

Contact Person: Ray Heagney

Title: Parks Operations Specialist

Telephone: (406) 994-6034

Official In Charge: Jerry Walker

Telephone: (406) 994-4042

Title: Region Three Parks Manager

PROJECT IDENTIFICATION: Project Name: Cougar Creek Recreation Bridge

Control No. _____ Project No. _____ Waterbody: _____

Location: Township T12S Range R45E Section 22 County Gallatin

Location to Nearest Town: West Yellowstone, MT

Project Features: ☒ Bridge _____ Culvert _____ Other _____

☐ Work Bridge and _____ Dredging _____

Removal _____ Hydraulic Structure _____

☐ Bridge Demolition _____ Channel Change _____

☐ Core Drill _____ Bank Stabilization _____

Project Scheduling: Contract Letting 8 / 10 / 98

Construction Period 8 / 10 / 98 to 9 / 30 / 98

Allow sixty (60) days for application processing. A set of preliminary plans or sketches of the proposed project **must** accompany this application. (NOTE: Dept. of Transportation sponsored projects require **two** sets of plans sent with this form to Helena DFWP address.)

Yes Plans _____ Sketches _____ Other _____

Signature _____

Date _____

Distribution: White/Yellow—Region Pink—Applicant

Attachment Five

Highway Easement Deed

HIGHWAY EASEMENT DEED

THIS DEED, made this 17TH day of Decem. 34th, 1985, by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the DEPARTMENT, and the State of Montana, Department of Highways, hereinafter referred to as the GRANTEE:

W I T N E S S E T H :

WHEREAS, the GRANTEE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (Title 23, U.S.C., Section 23, U.S.C., Section 317), for the right-of-way of a highway over certain land owned by the United States in the State of Montana, which is under the jurisdiction of the Department of Agriculture - Forest Service, and,

WHEREAS, this transfer is further authorized under the provisions of the Act of Congress approved October 15, 1966 (80 Stat. 931, 937, Section 6(a)(1)(A)) and,

WHEREAS, the Regional Federal Highway Administrator, pursuant to delegations of authority from the Secretary of Transportation and the Federal Highway Administrator, has determined that an easement over the land covered by the application is reasonably necessary for a right-of-way for Federal Aid Project FHP 45-3(1); and,

WHEREAS, the Department of Agriculture, acting by and through the Forest Service, has agreed to the transfer by the DEPARTMENT of an easement over the land to the GRANTEE.

NOW THEREFORE, the DEPARTMENT as authorized by law, and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation, pertaining to and effectuating the provisions of Title VI of the Civil Rights Acts of 1964 (78 Stat. 252; 42 U.S.C. Sections 2000d-2000d-4), does hereby grant to the GRANTEE an easement for right-of-way for the construction, operation, and maintenance of a highway, and use of the space above and below

the established grade line of the highway pavement for highway purposes on, over, across, in, and upon the following described land of the United States within the County of Gallatin, State of Montana,

Township	Range	Principal Meridian, Montana
12 South	5 East	

Section	Subdivision
21	SE $\frac{1}{4}$ SE $\frac{1}{4}$
22	SW $\frac{1}{4}$ SW $\frac{1}{4}$
27	NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
28	NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
33	NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
34	NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Township	Range	Principal Meridian, Montana
13 South	5 East	

Section	Subdivision
3	Lot 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
10	Lots 1, 2, 3 and 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
15	Lots 1, 2, 3 and 4
22	Lots 1, 2, 3 and 4
27	Lots 1, 2, 3 and 4

and as shown on the following described plats:

Drawing No.	Dated	Number of Sheets
Project FHP 45-3(1)	March 26, 1985	8

marked Exhibit "A" attached hereto and made a part hereof, subject, however, to the following terms and conditions:

- (1) Outstanding valid claims, if any, existing on the date of this grant, and the GRANTEE shall obtain such permission as may be necessary on account of any such claims.
- (2) The GRANTEE and the Regional Forester shall make determination as to the necessity for archeological and paleontological reconnaissance and salvage within the right-of-way, and such reconnaissance and salvage to the extent determined necessary because of construction of the highway facility is to be undertaken by the GRANTEE in compliance with the Act entitled "An Act for the Preservation of American Antiquities" approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), and State laws where applicable.
- (3) The GRANTEE and Regional Forester stipulate the easement herein granted shall terminate ten (10) years from the date of the execution of this deed by the United States of America in the event construction of a highway on the right-of-way is not started during such ten year period.
- (4) The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purposes of construction, operation, and maintenance of a highway in accordance with the approved plans described in the condition numbered (5) and does not include the grant of any right for non-highway purposes or facilities:

PROVIDED, that the right of the Forest Service to use or authorize the use of any portion of the right-of-way for non-highway purposes shall not be exercised when such use would be inconsistent with the

provisions of Title 23 of the United States Code and of the Federal Highway Administration Regulations issued pursuant thereto or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the GRANTEE and the Federal Highway Administration shall be consulted prior to the exercise of such rights: AND PROVIDED FURTHER, that nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction clearing limits.

The design and construction of highway project RHP 45-3(1) (Madison River Highway) situated on this right-of-way will be in accord with the provisions of Title 23, U.S. Code - Highways, and amendments; the Regulations for the Administration of Federal Aid for Highways, effective May 11, 1960, and amendments and established procedures for Federal-aid projects, including the requirements of Policy and Procedure Memorandum 90-1, (Title 23, Code of Federal Regulations, Part 771) and the construction specifications of the State highway department as approved by the Federal Highway Administration for use on Federal-aid projects.

The Regional Forester will be provided an opportunity to review plans relative to effects, if any, that the project works as planned will have upon adequate protection and utilization of the land traversed by the right-of-way and adjoining land under the administration of the Forest Service for the purposes for which such land is being administered.

Those features of design, construction, and maintenance of the highway facility and of use of the

right-of-way that would have effect on the protection and utilization of the land under the administration of the Forest Service are to be mutually agreed upon by the Regional Forester and the GRANTEE by conference or other communication during the preparation of the plans and specifications for each construction project, and the plans shall be revised, modified, or supplemented to meet the approval of the Regional Forester, or when deemed appropriate, supplemented by written stipulation between the Regional Forester and the GRANTEE, prior to start of construction.

The final design and the construction specifications for any highway construction project on the right-of-way will be presented to the Regional Forester for his approval and construction shall not begin until such approval is given: PROVIDED, that if it is subsequently deemed necessary that the approved plans, specifications, or stipulation be amended or supplemented, any amendment or supplement shall be approved by the Regional Forester and the GRANTEE before being placed in effect.

(6) Consistent with highway safety standards, the GRANTEE shall:

(a) Protect and preserve soil and vegetative cover and scenic and aesthetic values on the right-of-way outside of construction limits.

(b) Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation, or maintenance of the highway, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for

revegetation or other areas on which ground cover is destroyed where it is deemed necessary during a joint review between the Regional Forester and the GRANTEE prior to completion of the highway, and the GRANTEE shall maintain all terracing, water-bars, lead-off ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.

(7) The GRANTEE shall:

Establish no borrow, sand, or gravel pits, stone quarry, or permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depot or disposal areas within the right-of-way unless shown on approved construction plans, without first obtaining approval of the Regional Forester.

(8) The GRANTEE shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Regional Forester. Application for such approval must be in writing and specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

(9) The GRANTEE, in consideration of the grant of this easement, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that:

(a) No person shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard

to any facility located wholly or in part on, over, or under such lands hereby conveyed,

(b) The GRANTEE shall use said easement and right-of-way so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(10) In the event of breach of any of the above-mentioned nondiscrimination conditions, the DEPARTMENT shall have the right to re-enter said lands and facilities on said land, and the above-described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns, as such interest existed prior to this instrument.

(11) When need for the easement herein granted shall no longer exist, the GRANTEE shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land shall immediately revert to the full control of the Department of Agriculture.

IN WITNESS WHEREOF, I, RICHARD O. JONES, pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, the Regional Federal Highway

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Witness:

John M. Papp
Deannette K. Voth

By Richard D. Jones
Regional Counsel
Federal Highway Administration

UNITED STATES OF AMERICA)
)
)

I, Margaret A. Bied, a Notary Public in and for
California, do hereby certify that on this,
the 17th day of December, 1985, before me personally
appeared Richard D. Jones,
Federal Highway Administration,
and acknowledged that the foregoing instrument bearing date of
December 11, 1985, was executed by him in his official capacity
and by authority in him vested by law, for the purposes and
intents of said instrument described and set forth, and acknow-
ledged the same to me to be his free act and deed as Regional
Counsel, Federal Highway Administration.

Witness my hand and seal this 17th
December, 1985.

(SEAL)

Margaret A. Bied
Notary Public
My Commission expires _____

My Commission Expires April 26, 1989

In compliance with the conditions set forth in the foregoing
deed, the State of Montana - Department of Highways certifies,